

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:08CR1

UNITED STATES OF AMERICA

VS.

DAVID MICHAEL DAHNKE

)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on Defendant's motion for release from probation and the Government's opposition thereto. **See Defendant's Motion for Release from Probation, filed February 25, 2009; Government's Objection to Defendant's Motion, filed March 10, 2009.**

Title 18, United States Code, Section 3564 provides in pertinent part:

The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time . . . after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

18 U.S.C. § 3564(c). In this case, a year has not expired since the entry of final judgment on August 15, 2008. **See Judgment in a Criminal Case, filed August 15, 2008; see also, *United States v. Buck*, 173 F. App'x 239 (4th Cir. 2006) (citing *United States v. Pregent*, 193 F.3d 279, 282 (4th Cir. 1999)).**

IT IS, THEREFORE, ORDERED that the Defendant's motion for release from probation is **DENIED**.

Signed: March 16, 2009



Lacy H. Thornburg
United States District Judge

